

FEB 11 2014

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION

| | | |
|----------------------------|---|-------------------------------------|
| UNITED STATES OF AMERICA, |) | CASE NO. 1:04CR00067 |
| |) | |
| |) | |
| v. |) | <u>FINAL ORDER</u> |
| |) | |
| |) | |
| CECIL EDWARD WAMPLER, JR., |) | By: James C. Turk |
| |) | Senior United States District Judge |
| Defendant. |) | |

For the reasons stated in the accompanying Opinion, it is

ADJUDGED AND ORDERED

as follows:

1. The defendant's pro se motion for appointment of counsel and a hearing (ECF No. 181) is DENIED;
2. The Clerk is DIRECTED to redocket the motion (ECF No. 181) as a Motion to Vacate, Set Aside or Correct Sentence, pursuant to 28 U.S.C. § 2255;
3. The § 2255 motion is DENIED without prejudice as successive;
4. Based upon the Court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is DENIED; and
5. The § 2255 motion is stricken from the active docket of the court.

ENTER: This 11th day of February, 2014.



Senior United States District Judge